Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/MC.I/1
10 September 1990

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REPORT OF MAIN COMMITTEE I

Establishment and Terms of Reference

1. Pursuant to rule 34 of the Rules of Procedure, the Conference established Main Committee I as one of its three main Committees and referred to it the following items for its consideration (NPT/CONF.IV/1):

Item 13. Review of the operation of the Treaty as provided for in its Article VIII (3):

Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

(1) Articles I and II and preambular paragraphs 1-3.

(2) Article VI and preambular paragraphs 8-12.

(3) Article VII, with specific reference to the main issues considered in this Committee.

Security assurances:

(1) Resolution 255 (1968) of the United Nations Security Council.

(2) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

(3) Consideration of proposed agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the treaty on the Non-Proliferation of Nuclear Weapons (proposal by Nigeria).

GE.90-70034/2352B

Officers of the Committee

2. The Conference elected Ambassador Bariyu Adeyemi (Nigeria) as the Committee's Chairman; Ambassador Todor Ditchev (Bulgaria) and Ambassador Oscar Vaerno (Norway) served as Vice-Chairmen of the Committee.

Documents before the Committee

Background documentation */

3. The Committee had before it the following background documentation:

NPT/CONF.IV/1	Final Report of the Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.IV/2	Basic facts within the framework of the United Nations in connection with the realization of the purposes of the tenth paragraph of the Preamble of the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.IV/3	Basic facts within the framework of the United Nations in connection with the implementation of Articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.IV/5	Basic facts within the framework of the United Nations in connection with the realization of the purposes of Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.IV/6	Dynamics and consequences of the nuclear-arms race including its quantitative, qualitative and vertical aspects
NPT/CONF.IV/7	The dynamics and consequences of the wider dissemination of nuclear weapons
NPT/CONF.IV/8	Studies relevant to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.IV/9	Present status of negotiations of the Conference on Disarmament on "Nuclear Test Ban"
NPT/CONF.IV/10	Present status of negotiations of the Conference on Disarmament on effective measures relating to cessation of the nuclear-arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control

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*/ Some of the documents may also cover items allocated to other Main Committees.

NPT/CONF.IV/11 Present status of negotiations of the Conference on Disarmament on "Effective International Arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons"

NPT/CONF.IV/15 Memorandum from the General Secretariat of the Agency for the Prohibition of nuclear weapons in Latin America and the Caribbean prepared for the Fourth Review Conference

NPT/CONF.IV/16 Memorandum from the Secretariat of the South Pacific Forum on the subject of the South Pacific Nuclear-Free Zone Treaty prepared for the Fourth Review Conference

Documents containing elements relevant to a Final Declaration

4. The following documents were submitted to the Conference on the items allocated to the Committee:

NPT/CONF.IV/17 Consideration of proposed agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (Proposal by Nigeria)

NPT/CONF.IV/18 Memorandum submitted by the Governments of Denmark, Finland, Iceland, Norway and Sweden on the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/19 Information on the implementation by the Union of Soviet Socialist Republics of the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/20 United States information pertaining to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/21 The United Kingdom's implementation of the Treaty on the Non-Proliferation of Nuclear Weapons 1985-90

NPT/CONF.IV/24 Letter dated 10 August 1990 from the Head of the French Delegation to the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, addressed to the Provisional Secretary-General of the Conference

NPT/CONF.IV/25 Message of President George Bush of the United States of America to the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/26 Message of President Mikhail S. Gorbachev of the Union of Soviet Socialist Republics to the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/27 Message from Mr. Alberto Fujimori, President of Peru, to the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

READEX

NPT/CONF.IV/28	Letter dated 23 August 1990 from the Deputy Head of Delegation, Federal Republic of Germany, and the Deputy Head of Delegation, German Democratic Republic, to the Secretary-General of the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.IV/29	Letter dated 22 August 1990 from the Italian delegation
NPT/CONF.IV/30	Letter dated 23 August 1990 from the Deputy Head of the delegation of Yugoslavia to the Secretary-General of the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
NPT/CONF.IV/31	Working paper submitted by Egypt
NPT/CONF.IV/L.1	Draft resolution on disarmament and other security related issues, submitted by the Group of Non-Aligned and Other States
NPT/CONF.IV/L.4	Draft resolution on comprehensive nuclear test ban, submitted by Indonesia, Mexico, Sri Lanka, Venezuela and Yugoslavia

5. The following documents were submitted to the Committee on the items allocated to it:

NPT/CONF.IV/MC.I/WP.I	Suggested elements to be included in the Final Declaration, submitted by the Democratic People's Republic of Korea
NPT/CONF.IV/MC.I/WP.2	Final document language relating to the use of fissile material for peaceful purposes, submitted by Italy and the Union of Soviet Socialist Republics
NPT/CONF.IV/MC.I/WP.3 and Rev.1	Proposed language in the Final Document on Security Assurances, submitted by Egypt
NPT/CONF.IV/MC.I/WP.4	Suggested paragraphs for inclusion in the Final Declaration on Article VI and preambular paragraphs 8 to 12, submitted by Ghana, Kenya, Mexico, Philippines, Venezuela and later by Indonesia
NPT/CONF.IV/MC.I/CRP.1	Working paper containing a draft outline of the review of the NPT's operation: Article VI and preambular paragraphs 8 to 12, submitted by Mexico
NPT/CONF.IV/MC.I/CRP.2	Draft language for inclusion in the Final Document on intentions and confidence- and security-building measures in the context of the Treaty, submitted by Hungary
NPT/CONF.IV/MC.I/CRP.3 (also issued as NPT/CONF.IV/MC.II/CRP.13)	Working paper on the link between the provisions of the NPT regarding nuclear disarmament measures and those regarding the review conferences and the limited duration of the Treaty, submitted by Mexico

Work of the Committee

6. The Committee held seven formal meetings between 24 August and 10 September 1990; its discussions are summarized in documents NPT/CONF.IV/MC.I/SR.1-7. After an initial general exchange of views on the agenda items referred to it, the Committee gave consideration to proposals contained in the documents listed in paragraphs 3, 4 and 5 above, and to proposals contained in a number of working papers and conference room papers presented to the informal working groups.

7. At its 3rd meeting on 29 August 1990, the Committee established three open-ended working groups to facilitate the consideration of matters before it. In addition, the Committee established an open-ended Sub-Committee on Security Assurances.

8. The allocation of work was as follows:

- Working Group 1 (chaired by Mr. Torbjorn Aalbu of Norway) considered Articles I and II and preambular paragraphs 1 to 3;

- the Sub-Committee on Security Assurances, and subsequently Working Group 2 (chaired by Mr. Radoslav Deyanov of Bulgaria), considered issues of security assurances allocated to the Committee;

- Working Group 3 (chaired by Ambassador Bariyu Adeyemi of Nigeria) considered Article VI and preambular paragraphs 8 to 12.

By agreement with the Chairman of Main Committee II, the political aspects of Article VII were addressed in that Committee.

9. The Committee agreed to submit to the Conference the following report on its work:

I. Review of Articles I and II and preambular paragraphs 1 to 3

1. The Conference reaffirms that the full and effective implementation of the Treaty [and the régime of non-proliferation it supports] play a [central] role in promoting regional and international peace and security. The Conference therefore welcomes the accession of further Parties to the NPT since the last Review Conference and urges all States not party to the Treaty to accede to it. The Conference remains convinced that full compliance of all Parties with and universal adherence to the Treaty are the best way to prevent the spread of nuclear weapons and other nuclear explosive devices to additional States.

2. The Conference also reaffirms its determination to prevent the proliferation of nuclear weapons and other nuclear explosive devices [to additional States], without hampering the peaceful uses of nuclear energy by non-nuclear-weapons States Parties to the Treaty. Such proliferation would add immeasurably to regional and international tensions. It would increase the risk of nuclear war and lessen the security of all States.

3. The Conference reiterates the concerns and reaffirms the convictions expressed in preambular paragraphs 1 to 3 and agrees they remain valid. The Conference welcomes the positive developments in the international situation since the last Review Conference, especially in the East-West context and in the relations between the Soviet Union and the United States. The Conference expresses the expectation that this tendency, contributing to lessening the danger of nuclear war, will be strengthened and become worldwide. The States Parties to the Treaty agree that a nuclear war cannot be won and must never be fought, in order to avoid the devastation that a nuclear war would bring. They remain convinced that any proliferation of nuclear weapons would seriously increase the danger of nuclear war.

4. The Conference agrees that the strict observance of the terms of Articles I and II remains central to achieving the shared objectives of preventing under any circumstances the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security, including to the peace and security of non-Parties.

5. The Conference acknowledges the declarations by nuclear-weapon States party to the Treaty that they had fulfilled their obligations under Article I. The Conference further acknowledges the declarations that non-nuclear weapon States party to the Treaty had fulfilled their obligations under Article II. The Conference underlines the vital need for all Parties to the Treaty to comply scrupulously and unreservedly with their obligations [and to avoid any actions or statements which could raise questions about their compliance, and thereby undermine the confidence of other States party to the Treaty in the security offered by their commitment to the Treaty.]

6. The Conference notes with satisfaction the joint declaration of the Federal Republic of Germany and the German Democratic Republic (document NPT/CONF.IV/28) by which they reaffirm their contractual and unilateral undertaking not to manufacture, possess or have control over nuclear, biological and chemical weapons and by which they declare that the united Germany, too, will abide by this obligation, that rights and

obligations under the instruments of the Treaty of 1 July 1968 on the Non-Proliferation of Nuclear Weapons will continue to apply to the united Germany, and that the united Germany will seek the continued validity of the Non-Proliferation Treaty beyond 1995 and that it supports the strengthening of the non-proliferation régime.

7. The Conference expresses deep concern that the national nuclear programmes of some States non-party to the Treaty may lead them to obtain a nuclear weapon capability. The Conference affirms the determination to stop the spread of nuclear explosive capabilities, and hence the ability to develop and produce nuclear weapons. [The Conference therefore underlines the need for all States Parties to continue to make every effort to ensure the effective (and uniform) implementation of export controls on items possibly destined for use in such nuclear programmes, in a manner which avoids hampering legitimate peaceful nuclear programmes of States Parties to the Treaty.] States party to the Treaty reiterate that any further detonation of a nuclear explosive device by any non-nuclear-weapon State would constitute a most serious breach of the non-proliferation objective.

8. [The Conference expressed great and serious concerns about the nuclear capability of South Africa and Israel. In this connection, the Conference calls for the total and complete prohibition of the transfer of all nuclear facilities, resources or devices to South Africa and Israel.] 1/

9. [The Conference also notes concerns expressed about the failure of a number of States with nuclear programmes in different/other regions of the world to place all their nuclear facilities under IAEA safeguards and to make binding international commitments not to acquire nuclear weapons and other nuclear explosive devices. In this connection the Conference reiterates its belief that accession to the NPT has a fundamental role to play in strengthening mutual confidence and the security of States.] 2/

1/ Some delegations expressed the view that there should be no mentioning of specific countries in this section of the report. The same delegations could accept naming of countries provided this was done in a comprehensive manner as outlined in the proposed text attached. (See Annex A to Section I). Other delegations expressed disagreement with this view. An alternative text proposal for paragraph 9 of Annex A to Section I is also attached. (See Annex B to Section I).

2/ Some delegations would prefer that the proposed paragraph 9 replace paragraph 8. In that case the word "different" should be used in the second line. Alternatively, the paragraph could be added to the present paragraph 8, in which case the word "other" should be used.

Annex A to Section I

Proposed text by the United Kingdom

8. The Conference expresses particular concern about the nuclear capabilities of Israel, and expresses its condemnation of any attempt to introduce nuclear weapons into the Middle East. The Conference also notes the calls on all States for the total and complete prohibition of the transfer of all nuclear facilities, resources and devices to Israel.

9. The Conference also expresses concern about the nuclear capabilities of South Africa. At the same time it recalls the constructive part that South Africa played in establishing the IAEA and welcomes the President's statement on 21 September 1987 that South Africa "hopes that it will soon be able to sign the NPT and has decided to open discussions with others to this end". The Conference urges South Africa to accede to the Treaty at the earliest possible opportunity.

10. The Conference also notes the concerns about the nuclear capabilities of India and Pakistan. It welcomes the agreement between the two countries not to attack one another's nuclear facilities and urges both countries to bring the agreement into force and to seek further ways of enhancing mutual confidence. In this connection the Conference reiterates its belief that accession to the NPT has a fundamental role to play in strengthening mutual confidence and the security of States.

11. The Conference also notes that there are unsafeguarded nuclear activities in both Argentina and Brazil. It welcomes the declarations made by the two States on nuclear matters and the extensive programme of contacts and visits between them. It expresses the hope that both countries will consolidate these confidence-building measures by bringing the Treaty of Tlatelolco into force for their two countries and by acceding to the NPT.

Annex B to Section I

Proposed text by Nigeria

The Conference expresses great and serious concern about the nuclear weapons capability of South Africa. The Conference is alarmed by the assistance rendered to South Africa in the pursuit of its nuclear weapons capability through the supply and provision of sensitive equipment, materials, technology, information and training facilities among others, by some nuclear-suppliers NPT States Parties. The Conference acknowledges that this assistance has greatly increased the capability of South Africa which is not party to the NPT, to produce nuclear weapons with far-reaching consequences for international peace and security and in violation of Article I of the NPT. The Conference underlines the particularly grave threats posed by nuclear weapons in the hands of the South African apartheid régime in the region and the consequences of this development for the peace and stability of other States in Africa.

In this connection, the Conference calls for the total, complete, and immediate prohibition of the transfer of all nuclear facilities resources or devices to South Africa.

II. Review of Article VI and preambular paragraphs 8 to 12

1. Despite intensive efforts, the Committee was unable to reach agreement on a text regarding the review of Article VI and preambular paragraphs 8 to 12. The Committee took note of the Chairman's paper of 6 September 1990 (MC.I/WG3/CRP.1/Rev.1). The paper was not discussed, although it was generally regarded as being a useful basis for further consideration, and the Committee decided that the paper should be annexed to its report, without prejudice to the position of any delegation.

Annex to Section II
(text of MC.I/WG3/CRP.1/Re..1)

Chairman's paper on Article VI and preambular paragraphs 8-12

1. The Conference recalled that under the provisions of Article VI each of the Parties undertakes to pursue negotiations in good faith:

- on effective measures relating to
  - cessation of the nuclear arms race at an early date
  - nuclear disarmament
- on a treaty on general and complete disarmament under strict and effective international control.

2. The Conference reviewed the achievements in respect of each aspect of Article VI, and of paragraphs 8 to 12 of the preamble by which the Parties declared their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament; urged the co-operation of all States in the attainment of this objective; recalled the determination expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (the Partial Test Ban Treaty) in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end; desired to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control; recalled that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources.

3. A number of positive international developments have occurred since the 1985 Review Conference, particularly in connection with the substantive improvement in relations between the Union of Soviet Socialist Republics and the United States of America. The Conference expressed the hope that this trend will continue and will encourage further efforts in arms limitation and disarmament negotiations.

I. Cessation of the nuclear arms race

4. The Conference recalled that, in the Final Declaration of the First Review Conference, the Parties expressed the view that the conclusion of a treaty banning all nuclear-weapon tests was one of the most important measures to halt the nuclear arms race and expressed the hope that the nuclear-weapon

States Party to the Treaty would take the lead in reaching an early solution of the technical and political difficulties of this issue. The Conference noted that at the Third Review Conference, the Parties reaffirmed the determination expressed in the preamble of the 1963 Partial Test Ban Treaty, and reiterated in preambular paragraph 10 of the Non-Proliferation Treaty, to achieve the discontinuance of all test explosions of nuclear weapons for all time. The Conference further recalled that, in the Final Document of the Third Review Conference, the Parties stressed the important contribution that a treaty banning all nuclear-weapon tests would make towards strengthening and extending the international barriers against the proliferation of nuclear weapons; the Parties had further stressed that adherence to such a treaty by all States would contribute substantially to the full achievement of the non-proliferation objective.

5. The Conference noted that during the period under review no multilateral negotiations had taken place towards the achievement of an agreement banning all test explosions of nuclear weapons for all time. The Conference also noted the annual appeals made in United Nations General Assembly resolutions since 1981 calling for a moratorium on nuclear-weapon tests pending the conclusion of a comprehensive test ban treaty. The Conference further noted the holding of the Meeting of the Parties to the 1963 Partial Test Ban Treaty, held in New York from 29 May to 8 June 1990, for the organization of a Conference of the Parties to that Treaty to be held in New York in January 1991 to consider a proposal to amend that Treaty. The Conference invites all Parties to that Treaty to give their fullest support to the Conference of the Parties to be held in January 1991 and to the achievement of its objectives.

6. The Conference took note of the establishment, without a negotiating mandate, of an ad hoc committee on a nuclear test ban by the Conference on Disarmament at its summer session in 1990.

7. Mindful that the extension of the Treaty will be considered in five years, the Conference expressed its belief that a comprehensive test ban treaty would significantly enhance the universality and durability of the Treaty beyond 1995. The Conference reaffirmed that a comprehensive test ban treaty, adhered to by all States, would make the single most important contribution toward strengthening and extending international barriers against the proliferation of nuclear weapons and would contribute greatly to the elimination of the grave threat to the environment and human health represented by continued nuclear testing. The Conference once again emphasizes the critical importance of a comprehensive nuclear test ban and calls for early action towards that objective, in particular by the Conference on Disarmament, at the beginning of its first session in 1991. The Conference urges that the Ad Hoc Committee on a Nuclear Test Ban be given a mandate to undertake substantive work towards the achievement of a comprehensive test ban treaty.

8. The Conference noted with appreciation the work of the Ad hoc Group of Scientific Experts to Consider International Co-operative Measures to Detect and Identify Seismic Events and its contribution to the elaboration of the nuclear testing verification issues. Recognizing the importance of its second technical test the Conference calls for wider participation in that test.

II. Nuclear disarmament

9. The Conference examined the existing situation in the light of the undertaking assumed by the Parties in Article VI to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament. The Conference noted that during the period under review there had been a major improvement in the climate of international relations between the Union of Soviet Socialist Republics and the United States of America which had led to a negotiated agreement to eliminate their intermediate-range and shorter-range missiles and to the creation of other conditions conducive to progress in the achievement of the objectives of Article VI.

10. The Conference welcomed the entry into force on 1 June 1988 of the Treaty between the two States on the Elimination of the Intermediate-Range and Shorter-Range Missiles (INF Treaty), while noting with regret that the Treaty did not address the issue of the destruction of nuclear materials eliminated as a result of that Treaty. The Conference noted the extensive provisions for verification introduced in that Treaty and the other efforts by the two States concerned to improve their joint verification arrangements, thereby underlining the importance of verification measures and providing a precedent for verification that could facilitate other nuclear disarmament measures.

11. The Conference noted that in the period under review negotiations have continued between the Union of Soviet Socialist Republics and the United States of America on a draft treaty on the reduction and limitation of strategic offensive arms. The Conference welcomed the statement of 1 June 1990 by the two Heads of State to the effect that decisive progress had been made in the negotiations, that mutually acceptable solutions had been found on major issues and that work should be intensified in order to permit the completion and signature of the treaty during 1990. The Conference also noted the adoption by the two Heads of State of a statement on future negotiations that would provide for further reductions in Soviet and United States strategic arms.

12. At the same time, however, the Conference regretted the continued lack of progress on relevant items of the agenda of the Conference on Disarmament, in particular those relating to the cessation of the nuclear arms race and nuclear disarmament, the prevention of nuclear war including all related matters and effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. The Conference on Disarmament is therefore urged to begin negotiations on the cessation of the production of weapons-grade fissionable materials; the cessation of the production of nuclear weapons; the cessation of the production of their delivery vehicles; and the prevention of an arms race in outer space.

13. The Conference looks forward to the conclusion in 1990 of the forthcoming agreement between the Union of Soviet Socialist Republics and the United States of America on strategic weapon reductions and calls for its prompt implementation. The Conference calls for the intensification of negotiations towards further reduction and elimination of all types of nuclear weapons and the means of their delivery, with the earliest participation of

all nuclear-weapon States. The Conference calls upon nuclear-weapon States to look for peaceful uses of fissile materials released from dismantled nuclear warheads. The Conference expressed the hope that a possible commercial surplus of the reconversion process could be used to the benefit of all Parties, in particular the developing countries.

14. The Conference noted that the United States of America and the Union of Soviet Socialist Republics have continued to pursue bilateral negotiations on a broad complex of questions concerning space and nuclear arms, with a view to achieving effective agreements aimed at preventing an arms race in space and terminating it on Earth.

15. The Conference reaffirms the need to prevent an arms race in space and urges the early conclusion of a multilateral agreement to this effect. The Conference also calls upon the two major nuclear-weapon States to bring their bilateral negotiations to a prompt and successful conclusion.

16. The Conference noted the agreement in 1987 between the two major nuclear-weapon States to establish Nuclear Risk Reduction Centres in their capitals, and the bilateral agreement in 1988 on the notification of launches of ballistic missiles. The Conference also noted the US-USSR Joint Statement on Non-Proliferation of 4 June 1990 which contained, inter alia, a declaration of their own commitment and a call on other nations to join in a renewed commitment to effective non-proliferation measures as a means of securing international peace and stability and as a step towards the effective limitation worldwide of nuclear weapons, chemical weapons, missiles, and missile technology.

III. General and complete disarmament

17. In reviewing steps towards a treaty on general and complete disarmament under strict and effective international control, the Conference recognized the positive impact that limitation and reduction of conventional armed forces have on nuclear arms limitation and nuclear disarmament. In this regard the Conference took note of a number of developments in the areas of chemical weapons, conventional force reductions and confidence- and security-building measures. The Conference calls for intensified efforts to bring about greater confidence and the reduction of armaments in all areas in pursuit of the objectives set out in the twelfth preambular paragraph of the Treaty as well as in Article VI. To this end the Conference urges that negotiations be intensified with a view to achieving a treaty on general and complete disarmament at an early date.

18. The Conference noted that since 1985 there had been a Review Conference on the Sea-bed Treaty and two General Conferences of the Agency for the Prohibition of Nuclear Weapons in Latin America. In 1988, the Twelfth Special Session of the United Nations General Assembly, the third special session on disarmament, took place without achieving consensus on a final statement.

IV. Conclusion

19. In sum, with respect to Article VI and preambular paragraphs 8 to 12, the Conference observed that in some areas there had been useful progress in the past five years towards the achievement of Treaty purposes and objectives but in other significant areas there had been no results. Much remains to be done before it can be said that the objectives and aspirations of the Treaty in this regard have been successfully attained. The Conference reaffirmed the commitment of all Parties to the implementation of Article VI and called upon the Parties to achieve fully the objectives of the Article. The Conference addressed a call to the nuclear-weapon Parties in particular to demonstrate this commitment.

III. Review of Security Assurances

1. The Conference considers that the most effective guarantee against the possible use of nuclear weapons and the danger of nuclear war is nuclear disarmament and the complete elimination of nuclear weapons. Pending the achievement of this goal on a universal basis and recognizing the need for all States to ensure their independence, territorial integrity and sovereignty, the Conference reaffirms the particular importance of assuring and strengthening the security of non-nuclear-weapon States Parties which by adhering to the Treaty renounced the acquisition of nuclear weapons. In this context, the Conference recognizes that different approaches may be required to strengthen the security of non-nuclear-weapon States Parties to the Treaty.

2. The Conference underlines again the importance of adherence to the Treaty by non-nuclear-weapon States as the best means of reassuring one another of their renunciation of nuclear weapons and as one of the effective means of strengthening their mutual security.

3. The Conference takes note of the intention expressed by the Depositary States in 1968, which was welcomed by the United Nations Security Council in resolution 255 (1968), that they would, in accordance with the Charter, assist any non-nuclear-weapon State Party to the Treaty that was a victim of an act or an object of a threat of aggression in which nuclear weapons are used, and welcomes the continued determination of the Depositary States to honour their statements in this regard.

[4. The Conference invites the United Nations Security Council to adopt a new resolution on security assurances which would strengthen and enhance the effectiveness of Security Council resolution 255 (1968). In this context, the Conference notes the proposal presented in NPT/CONF.IV/31, (see also text attached as Annex A to Section III) that such a resolution should reflect the collective commitment and resolve of the Security Council to deter nuclear aggression and to decide immediately upon measures required with respect to a threat or use of nuclear weapons against non-nuclear-weapon States Parties to the Treaty in accordance with provisions of Chapter VII of the United Nations Charter.]

5. The Conference reiterates its conviction that, in the interest of promoting the objectives of the Treaty, including the strengthening of the security of non-nuclear-weapon States, all States, both nuclear-weapon and non-nuclear-weapon States, should refrain, in accordance with the Charter of the United Nations, from the threat or the use of force in relations between States, involving either nuclear or non-nuclear weapons.

6. The Conference recalls that the Tenth Special Session of the General Assembly in paragraph 59 of the Final Document took note of the declarations made by the nuclear-weapon States regarding the assurance of non-nuclear-weapon States against the use or threat of use of nuclear weapons and urged them to pursue efforts to conclude, as appropriate, effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (the relevant unilateral declarations of all nuclear-weapon States are attached to this Final Declaration).

7. The Conference recognizes the need for effective international arrangements, that could be included in an international legally binding instrument, to assure non-nuclear-weapon States Parties to the Treaty against the use or threat of use of nuclear weapons. The conclusion of an international instrument providing for such arrangements would strengthen the security of non-nuclear-weapon States Parties to the Treaty and offer additional incentives to other non-nuclear-weapon States to adhere to the Treaty. Participation of all nuclear-weapon-States, including those which are not Parties to the Treaty, in such an instrument would contribute to ensuring its maximum effectiveness.

8. The Conference believes that appropriate measures may also be needed to provide protection for non-nuclear-weapon States Parties to the Treaty from nuclear threats that emanate from the ambiguous policy of certain States non-Parties to the Treaty, which possess significant unsafeguarded nuclear facilities and might have acquired nuclear weapon capability.

9. The Conference holds the view that one of the effective means to assure non-nuclear-weapon States in a legally binding form against the use or threat of use of nuclear weapons is through the establishment of nuclear-weapon-free zones, as described in paragraphs [1-7 of Section B of NPT/CONF.IV/MC.II/1 regarding nuclear-weapon-free zones].

10. The Conference notes that consultations and negotiations on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, have been under way in the Conference on Disarmament for over a decade. The Conference expresses its dissatisfaction that despite its call at the Third NPT Review Conference, the search for a common approach which could be included in an international legally binding instrument, continues to be unsuccessful. The Conference takes note of the expressed intention of the Conference on Disarmament to continue to pursue ways and means of overcoming the difficulties encountered in its work on the question of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

11. The Conference observes that significant changes in international relations have taken place and a process of gradual transformation of military structures and nuclear strategies of nuclear-weapon States and the respective military alliances is under way. The Conference hopes that these positive developments, which are creating a new political and strategic environment, could facilitate the search for ways and means to overcome the difficulties related to differing perceptions of security interests encountered at the negotiations on the issue of security assurances to non-nuclear-weapon States.

12. The Conference considered within a special subsidiary body established at the Conference the agreement proposed in NPT/CONF.IV/17 on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (the text of which is attached as Annex B to Section III) and the procedure for further action on that agreement.

[13. The Conference supports the objective of the proposal and notes the readiness stated by all delegations to undertake further work on the substance of the proposed agreement. In view of the insufficient time available for

consideration of the proposal during the Review Conference, the Conference agrees that a conference be convened not later than 1991 to conclude an agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the non-proliferation of nuclear weapons. The Conference recognizes that the adoption of such an agreement would significantly strengthen the NPT and the non-proliferation régime, enhance the security of non-nuclear-weapon States in the nuclear era and offer additional incentives to other non-nuclear-weapon States, non-Parties, to adhere to the Treaty.]

Note: One delegation proposed re-ordering of the paragraphs of this report, as follows: 1, 2, 3, 4, 7, 8, 12, 13, 5, 6, 9, 10 and 11.

Annex A to Section III
(text of NPT/CONF.IV/MC.I/WP.3/Rev.1)

PROPOSED LANGUAGE IN THE FINAL DOCUMENT ON SECURITY ASSURANCES

Working paper submitted by Egypt

The Conference recommends that the United Nations Security Council adopt a new resolution on Security assurances to build up and enhance the effectiveness of Security Council resolution 255 of 1968.

The proposed Security Council resolution should reflect the collective commitment and resolve of the Security Council to deter nuclear aggression and to decide immediately upon measures required with respect to a threat or use of nuclear weapons against any non-nuclear weapon State party to the NPT in accordance with the provisions of Chapter Seven of the United Nations Charter. These measures should contain the following elements:

1. A more comprehensive definition of assistance so as to incorporate technical, financial as well as humanitarian assistance.

2. The imposition of sanctions against any State, party or non-party to the Treaty which uses nuclear weapons against a non-nuclear-weapon State party to the Treaty.

Such a new Security Council resolution would be a very important element in extending and bolstering the non-proliferation régime beyond 1995.

Annex B to Section III
(text of NPT/CONF.IV/17)

CONSIDERATION OF PROPOSED AGREEMENT ON THE PROHIBITION OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (PROPOSAL BY NIGERIA)

Letter dated 7 May 1990 from the Permanent Representative of Nigeria to the United Nations Office at Geneva addressed to the Chairman of the third session of the Preparatory Committee

You will recall that during the third session of the Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Committee agreed, by consensus, to include Nigeria's proposed agreement on security assurances in the agenda of the Review Conference for consideration. Agreement was also reached that the proposal, which will appear in the agenda as item 13 B 3, under the title "Consideration of proposed agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons - (Proposal by Nigeria)", will be considered in a sub-committee, to be set up under Main Committee I.

In consideration of the foregoing, I have the honour to forward herewith, the text of a memorandum prepared by Nigeria for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. I would appreciate it if the text of the memorandum could be issued and circulated as an official document of the Review Conference.

(Signed) Emeka Ayo Azikiwe
Ambassador
Permanent Representative

MEMORANDUM BY NIGERIA

INTRODUCTION

1. During the first session of the Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held in New York in May 1989, Nigeria indicated that it would propose measures to ensure the security of non-nuclear-weapon States Parties to the NPT during the Fourth Review Conference of the Parties to the Treaty. On 2 November 1989, the Government of Nigeria submitted a draft agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the NPT, to the three depositary Governments. The depositary Powers were requested to circulate the text to all the NPT States Parties and to arrange to convene a Conference for the consideration of the proposal, preferably during the forthcoming Review Conference next August.

2. The text of the proposal, which is attached to the present document, has already been circulated among all States Parties by the depositary Governments. The proposal was also circulated in the Conference on Disarmament as an official document of that Conference. Furthermore, the Government of Nigeria has made some bilateral contacts with States parties on the initiative, which have, so far, been receiving very encouraging responses.

II. BACKGROUND

3. The concept of security assurances to the non-nuclear-weapon States Parties to the NPT is not new. It was born in the mid-1960s as a result of ever-growing concern, particularly among the many States not possessing nuclear weapons or belonging to military alliances which possess them, over the lack of progress in nuclear disarmament and the continuance of the nuclear arms race at an accelerated pace. The concept is linked with the NPT, since it was during its negotiation that a formal call was made by the non-nuclear-weapon States, for credible and reliable assurances against the use or threat of use of nuclear weapons.

4. During that negotiation, the non-aligned and neutral countries in the Eighteen-Nation Disarmament Committee - including Nigeria - had called for an acceptable balance of mutual responsibilities and obligations of nuclear and non-nuclear-weapon States in accordance with the terms of General Assembly resolution 2028 (XX). They proposed that a non-proliferation treaty should impose an obligation on the non-nuclear-weapon States to refrain from the acquisition of nuclear weapons and in order to ensure the desired balance of mutual obligations and responsibilities, the following measures were proposed for possible incorporation in the treaty - a comprehensive nuclear test ban, a freeze on and a gradual reduction of nuclear weapon stocks and means of delivery, a ban on the use of nuclear weapons and security assurances to non-nuclear-weapon States.

5. It was then contended that the NPT should not be made dependent on the implementation of other disarmament measures. However, on the question of negative security assurances, one of the nuclear-weapon States declared its willingness to include in the draft treaty, a clause prohibiting the use of nuclear weapons against non-nuclear-weapon States which were parties to the Treaty and which had no nuclear weapons stationed on their territories.

Another nuclear-weapon State stated that, nations which did not seek to acquire nuclear weapons would receive its strong support against "threats of nuclear blackmail". The non-aligned and neutral members of the Eighteen-Nation Disarmament Committee had expressed concern that the relinquishing of the nuclear option should not place them at permanent military disadvantage and make them vulnerable to nuclear intimidation. They, therefore, sought categorical assurances that nuclear weapons would not be used against them nor would they be subjected to nuclear blackmail.

6. On 24 August 1967, when the United States and the Soviet Union submitted separate but identical texts of a draft treaty to the Disarmament Committee, there were provisions to ensure the security of non-nuclear-weapon States. Alternatively, the United States, the USSR and the United Kingdom of Great Britain and Northern Ireland proposed that security assurances be provided to non-nuclear-weapon States in the form of a Security Council resolution, supported by a declaration of the three Powers. Accordingly, following the adoption of the NPT by the General Assembly, the Soviet Union, the United States and the United Kingdom sponsored a draft resolution on security assurances as a matter outside but closely connected with the Treaty. It was adopted by the Council on 19 June 1968 as resolution 255 (1968). By that resolution, the Security Council recognized that aggression with nuclear weapons, or the threat thereof, against a non-nuclear-weapon State would create a situation in which the Security Council above all, its nuclear-weapon States permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter. Thereafter. the three nuclear-weapon States made declarations which warned that any State which committed or threatened aggression using nuclear weapons must be countered effectively by measures to be taken in accordance with the Charter to suppress aggression or remove the threat of it. They also affirmed their intention to seek immediate action by the Council in accordance with the Charter should it be required.

7. The assurances provided through Security Council resolution 255 (1968) and the attached declarations made by the United States of America, the USSR and the United Kingdom of Great Britain and Northern Ireland, were positive security assurances, which envisage assistance only after actual use of nuclear weapons, or the threat thereof, must have occurred. The positive security assurances were therefore considered inadequate:

(a) First, the Security Council resolution did not define the nature of the action that would be taken against a delinquent State;

(b) Secondly, the Security Council resolution and the declarations made by the three Powers merely reaffirmed the existing Charter obligations to provide assistance or support to a country attacked, irrespective of the type of weapons employed;

(c) Thirdly, positive guarantees are incompatible with the non-aligned and neutral status of some non-nuclear-weapon States;

(d) Fourthly, nuclear threat can come only from a nuclear-weapon State. Since all five nuclear-weapon States were permanent members of the Security Council with the right of veto, any decision concerning military or non-military action against a delinquent State would be impossible since it is unlikely that an aggressor would consent to a collective action to be taken against itself.

8. In view of the foregoing, the non-nuclear-weapon States intensified their demand for negative security assurances, under which the nuclear-weapon States Parties would undertake, in a legally binding manner, not to use or threaten to use nuclear weapons against non-nuclear-weapon States Parties.

9. Although a Conference of Non-Nuclear-Weapon States was held at Geneva in 1968 shortly after the adoption of the NPT to consider the issue, among others, consensus was not reached in favour of demanding negative security assurances as a condition for adherence to the NPT.

10. Since then the issue has continued to be discussed at various disarmament forums without any agreement reached, while the nuclear weapons in the arsenals of the nuclear-weapon States have multiplied several times over.

11. During the first special session of the General Assembly devoted to disarmament, held in New York in May-June 1978, the five nuclear-weapon States individually made specific unilateral declarations on security assurances. These declarations made by both Parties and non-Parties of the NPT fell short of the legally binding negative security assurances required by the non-nuclear-weapon States Parties, particularly from the nuclear-weapon States Parties.

12. In the Final Document of the Tenth Special Session of the General Assembly itself (see General Assembly resolution S-10/2), the nuclear-weapon States were all called upon "to take urgent measures to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons". Following this, an item entitled "Conclusion of effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" was included in the agenda of the Conference on Disarmament from 1979 and two draft Conventions on the subject were submitted, one by the Soviet Union, a nuclear-weapon State Party; and the other by Pakistan, not a Party to the NPT. From this point on, consideration of the item at the Conference on Disarmament showed that the question of negative security assurances, which had commenced as a legitimate demand, especially by the non-aligned and neutral non-nuclear-weapon States (which had renounced the nuclear option in a legally binding manner under the NPT), in the course of time had increasingly turned into an East-West affair, to the extent that the nuclear-weapon States exclusively preoccupied themselves with their own security concerns and focus instead of the interest of non-nuclear-weapon States. On the other hand, the equal status given to both non-nuclear-weapon States Parties to the NPT and non-Parties on the question, endangers the NPT itself

13. It is in view of the foregoing that Nigeria formally submitted its proposed agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the NPT for inclusion in the agenda to be proposed to the Fourth Review Conference of the Parties to the NPT.

14. It is Nigeria's view that the appropriate venue to consider the proposed agreement on security of non-nuclear-weapon States Parties to the NPT should be the NPT forum itself. Since it was through the membership of the NPT that the nuclear option was relinquished by the non-nuclear-weapon States. Nigeria is also of the view that the negotiations at the Committee on Disarmament may not easily yield the desired result in view of the attitude of the non-nuclear-weapon States not Parties to the NPT, which, while seeking guarantees, remain unwilling to renounce the nuclear options.

Current status

15. At the third session of the Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Preparatory Committee endorsed Nigeria's proposal, by consensus, for inclusion in the agenda of the Conference as item 13 B 3 under the title "Consideration of proposed agreement on the prohibition of use or threat of use of nculear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons - (Proposal by Nigeria)." In view of the obvious importance of the item, agreement was also reached that a sub-committee be set up under Main Committee I to study and examine the proposal in detail to facilitate its consideration and eventual adoption by the Review Conference.

16. Nigeria believes that the adoption of its proposal will contribute immensely to the strengthening of the NPT in particular and the non-proliferation régime in general. It will allay the anxiety of most non-nuclear-weapon States Parties to the NPT, whose confidence in the Treaty appears to be eroding, arising from their concern that foregoing nuclear option through their membership of the NPT may have placed them in permanent military disadvantage and made them vulnerable to nuclear intimidation. It will also provide further incentive to States not Parties, which hitherto remained outside the Treaty to now consider adhering to the NPT since it will be directly relevant to their security in the nuclear era.

17. Nigeria believes that it is in the interest of the NPT and the non-proliferation régime for the proposal to be adopted early.

18. In order to facilitate the work on the Nigerian project in the Sub-Committee of Main Committee I, the proposed draft agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, is attached hereto.

Proposed agreement on the prohibition of the use or threat of use of nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
(proposal by Nigeria)

The States Parties to this Agreement,

Being also Parties to the Treaty on the Non-Proliferation of Nuclear Weapons opened for signature at London, Moscow and Washington on 1 July 1968 (hereinafter called "the Treaty"), have hereby accepted the following provisions:

Article I

Each nuclear-weapon State Party to this Agreement undertakes not to use or threaten to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty which does not belong to a military alliance and does not have other security arrangements providing for mutual defence with a nuclear-weapon State.

Article II

Each nuclear-weapon State Party to this Agreement undertakes not to use or threaten to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty which belongs to a military alliance, or has other security arrangements providing for mutual defence, with a nuclear-weapon State but has no nuclear weapons stationed on its territory. The non-nuclear-weapon State Party to the Treaty referred to in this article undertakes not to partake in, or contribute to, any military attack on any nuclear-weapon State Party to this Agreement, or its allies, Parties to the Treaty, except in self-defence, in accordance with the Charter of the United Nations.

Article III

1. This Agreement shall be signed and shall be subject to ratification, or may be acceded to, as if the provisions of article IX of the Treaty applied hereto.

2. This Agreement shall enter into force in respect of each State on the date of deposit of the instrument of ratification or accession of the State concerned.

3. The duration of this Agreement shall be the same as that of the Treaty and the provision regarding denunciation contained in article X, paragraph 1, of the Treaty shall be applicable to it.

Article IV

This Agreement, the English, Russian, French and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Agreement shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness WHEREOF the undersigned plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Agreement on behalf of their respective Governments.

Done in triplicate, at the cities of London, Moscow and Washington, the ..... day of ..... one thousand nine hundred and .....